IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO. 15 OF 2004.

Peter Menon presently
lodged in Central Jail,
Aguada, Goa. ... Petitioner.

Versus

1. State of Goa through
   Chief Secretary, Panaji.
2. Inspector General of
   Prisons, Collector,
   North Goa, Panaji.
3. Superintendent of
   Prisons, Central
   Jail, Aguada, Goa. ... Respondents.

Mrs. A. Desai, Advocate for the Petitioner.

Coram : P.V. HARDAS, J.

Date : 1st March 2004.

ORAL JUDGMENT.

Rule, returnable forthwith. By consent of the learned counsel for the petitioner, petition is taken up for final hearing at the stage of admission.

2. This petition impugns the Order, dated 20th January 2004, passed by the Inspector General of Prisons, Panaji, Goa, rejecting the application of the petitioner seeking his release on parole. Undisputedly the petitioner's child Miss Viji Menon, aged about 12 1/2 years, is a spastic quadriparesis with profound mental retardation. This is supported by a Medical Certificate, dated 17th October 2003. The petitioner had earlier sought parole on 19th April 2002, which was then extended upto 10th October 2002 and, thereafter, on

12th June 2003, which was extended upto to 7th October 2003 for the purpose of taking his minor daughter to the hospital and for getting her admitted to a school for mentally retarded children. The Inspector General of Prisons, after making inquiries, has found that the grounds cited by the petitioner are genuine but, however, rejected the application on the ground that the petitioner had earlier been released on parole and if at the petitioner is aggrieved with his personal problems, he should seek necessary relief from the competent authorities.

3. After hearing the advocate for the petitioner and on perusal of the record given to me, no infirmity can be found with the reasoning of the Inspector General of Prisons for rejection of parole. However, the petitioner may apply afresh, if the presence of the petitioner is absolutely necessary in order to get proper medical facilities for his child, in case his wife is incapacitated for some reason or other.

4. Accordingly, the Writ Petition is dismissed. Rule discharged. No order as to costs.

(P.V. HARDAS)
JUDGE.

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